

Chapter 12

Solicitors, Canvassers, Etc.

State Law Reference - Transient vendors, hawkers, and peddlers, generally, G.L. c. 101, sec. 1-34.

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Article I. In General

Sec. 12-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Registered solicitor. Any person who has obtained a valid certificate of registration as provided in this chapter, which certificate is in the possession of the solicitor or on his person while employed in soliciting.

Residence. Every separate living unit occupied for residential purposes by one or more persons contained therein, within any type of building or structure.

Soliciting. Any one or more of the following activities:

- (a) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or
- (b) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
- (c) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- (d) Seeking to obtain gifts or contributions of money or clothing for any charitable or nonprofit association, organization, corporation or project. (11-12-73, Art. 13)

Sec. 12-2. Soliciting, peddling, etc., without consent of owner or occupant or registration declared nuisance.

The practice of going in and upon private residences in the town by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been registered or invited to do so by the owner or occupant of such private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise or for the purpose of disposing of and or peddling or hawking the same is declared to be a nuisance. (11-12-73, Art. 13)

Sec. 12-3. Notice to be posted by owners or occupants.

Every person desiring to secure the protection provided by the provisions pertaining to soliciting contained in this chapter shall comply with the following directions: Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following: A weatherproof card approximately three inches by four inches in size, shall be exhibited on or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words as follows:

Only solicitors registered in Stoneham invited

Or:

No solicitors invited

The letters shall be at least one third inch in height. For the purpose of uniformity, the cards shall be provided by the chief of police to persons requesting them at the cost thereof.

Such cards so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon. (11-12-73, Art. 13)

Sec. 12-4. Duty of solicitors generally.

(a) It shall be the duty of solicitors upon going into any premises in the town upon which a residence is located, to first examine the notice provided for in this chapter, if any is attached, and be governed by the statement contained on any notice. If the notice states "only solicitors registered in Stoneham invited," then the solicitor not possessing a valid certificate of registration as provided in this chapter shall immediately and peacefully depart from the premises; and if the notice states, "no solicitors invited," then the solicitor, even though registered in the town, shall immediately and peacefully depart the premises.

(b) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (11-12-73, Art. 13)

Sec. 12-5. Uninvited soliciting prohibited.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 12-4. (11-12-73, Art. 13)

Sec. 12-6. Hour limitations.

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door of a residence located thereon, or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the purpose of securing an audience with the

occupant thereof and engage in soliciting as herein defined, prior to 9:00 A.M. or after sundown on any day. (11-12-73, Art. 13; 4-12-76, Art. 23)

Sec. 12-7. Penalty.

Any person violating any of the provisions of this chapter shall upon conviction thereof, be subject to a fine of not more than that which is provided by Section 1-4 of this Code. (11-12-73)

Article II. Registration

Sec. 12-8. Required.

It shall be unlawful for any person to engage in business as a canvasser or solicitor calling at residences within the town, without the previous consent of the occupant, for the purpose of soliciting orders, sales, subscriptions or business of any kind or seeking donations without first having registered in the office of the chief of police. (11-12-73, Art. 13)

Sec. 12-9. Information required generally.

The registrant shall give his complete identification, his signature, the name of the products or services in which he is interested, the names of manufacturers of such products or of the organization which he is representing and the proposed method of operations in the town. (11-12-73, Art. 13)

Sec. 12-10. Records.

The chief of police shall cause to be kept in his office an accurate record of every applicant and application received and acted upon, together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter and of the denial of applications.

Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewals thereof shall be identified with the duplicate number of the application upon which it was issued. (11-12-73, Art. 13)

Sec. 12-11. Fees.

Each registrant shall pay to the town a registration fee of two dollars for the period expiring ninety days after the date of such registration. (11-12-73, Art. 3)

Sec. 12-12. Certificate—Issuance generally.

Each applicant who shows evidence of good character and who pays the fee provided for herein shall be furnished a certificate, indicating that he has registered and showing the date covered by such registration. (11-12-73, Art. 13)

Sec. 12-13. Same—Carrying; display.

Each person shall at all times, while soliciting or canvassing in the town, carry upon his person the registration certificate; and such certificate shall be exhibited by such registrant whenever he is required to do so by any police officer or by any person solicited. (11-12-73, Art. 3)

Sec. 12-14. Same—Application required.

Every person desiring to engage in soliciting as herein defined from persons in residences within this municipality is hereby required to make written application for a certificate of registration as hereinafter provided. (11-12-73, Art. 13)

Sec. 12-15. Same—Application contents.

Applications for certificates of registration shall be made upon a form provided by the town. The applicant shall truthfully state in full the information requested on the application, to wit:

- (a) The name and address of present place of residence and length of residence at such address; also business address if other than present address.
- (b) The age of applicant.
- (c) The physical description of the applicant.
- (d) The name and address of the person whom the person is employed by or represents; and the length of time of such employment or representation.
- (e) The name and address of employer during the past three years if other than the present employer.
- (f) A description sufficient for the identification of the subject matter of the soliciting in which the applicant will engage.
- (g) The period of time for which the certificate is applied.
- (h) The date or approximate date of the latest previous application for certificate under this chapter, if any.

(i) Whether a certificate of registration issued to the applicant under this chapter has ever been revoked.

(j) Whether the applicant has ever been convicted of a felony under the laws of the state or any other state or federal law. (11-12-73, Art. 3)

Sec. 12-16. Revocation.

Any such registration may be revoked by the Select Board or the chief of police because of any violation by the registrant of this chapter or of any other provision of this Code or bylaw of the town or of any state or federal law or whenever the registrant shall cease to possess the qualifications and character required in this chapter for the original registration. (11-12-73, Art. 13)